

### **REMARKS**

Claims 1-20 and 31-52 are presently pending. Claims 21-30 are withdrawn, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Claims 1, 42, 43 and 47 are amended, based on the text throughout the application, including the Examples and the original claims. No new matter is added. Favorable reconsideration and allowance of this application, as amended and responded to herein, is respectfully requested.

The amendments to Claims 42, 43 and 47 are mere formal changes that serve to clarify the invention. These amendments thus do not introduce new matter and are fully supported by the instant disclosure. The amendments to Claims 42, 43 and 47 simply change their claim dependencies to independent in order to make them consistent with this amendment.

### **The 35 U.S.C. § 102 Rejection**

Claims 1, 9, and 48-52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Van Lommen et al., WO 93/17017. The Examiner states that "the instantly claimed compounds read on the compounds of the reference." The Examiner specifically points to reference disclosed compounds in Table 1, pages 45-49, particularly compounds 38-43.

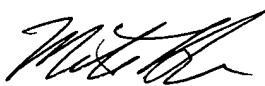
Claim 1 has been amended to limit NonAr to 'a nonaromatic 6 membered ring containing 1 nitrogen atom,' and to exclude compounds where B is 'aryl(CH<sub>2</sub>)<sub>1-3</sub>,' or 'heteroaryl(CH<sub>2</sub>)<sub>1-3</sub>.' Applicants respectfully submit that the instant claims, as amended herein,

Serial No.: 10/079,452  
Case No.: 20832Y  
Page No.: 30

are not anticipated by the cited reference. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

By:   
\_\_\_\_\_  
Mitul I. Desai  
Reg. No. 46,661  
Attorney for Applicants

Merck & Co., Inc.  
P.O. Box 2000  
Rahway, NJ 07065-0907  
(732) 594-3190

Date: June 30, 2004